



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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MAY 22 2003

Paper No. 15

In re Application of :
Craig L. Linden : DECISION ON
Application No. 09/856,228 : RENEWED PETITION
Filed: May 16, 2001 :
For: Method and Apparatus For
Powered Interactive Physical Displays

This is a decision on the renewed petition filed by facsimile transmission on May 17, 2003 by which petitioner again requests withdrawal of the holding that this application stands abandoned for failure to file a reply to the Notice of Non-Compliant Amendment mailed on June 12, 2002. The renewed petition is considered under Section 1.181 of Title 37 of the Code of Federal Regulations (37 CFR 1.181), and no fee is required for the petition.

The renewed petition is dismissed.

In the original petition, petitioner alleged that the application became abandoned because petitioner did not receive the Notice mailed on June 12, 2002. However, the original petition was dismissed because petitioner had not made an acceptable showing of nonreceipt of such correspondence. Petitioner was furnished with information discussing how to make such a showing. Petitioner was instructed to inform the Office by way of a renewed petition whether petitioner in fact keeps a record of Office correspondence. Petitioner was also required to furnish a copy of the relevant page of such record where the Notice of June 12, 2002 would have been entered if received. In the absence of such specific record, petitioner was further instructed to explain petitioner's method for handling mail, including such factors as who receives petitioner's mail, and how mail concerning this application is handled. For example, is it placed in a specific file? Has that file been inspected? Have such other files as petitioner may use to sort and store correspondence been inspected?

The renewed petition merely states that petitioner is "very careful" with all mail from the Office and that such mail is immediately read and properly filed and appropriately acted upon, and that petitioner has searched "the particular files" and "other areas" and that the Office letter in question has not been found. These statements do not specifically supply all of the requested information. Apparently, petitioner keeps some sort of record; is it of the sort upon which receipt of Office correspondence is recorded? If so, a copy of the page wherein receipt of the Office letter in question would have been recorded must be furnished to establish nonreceipt of that Office letter. If not, petitioner must supply information regarding petitioner's practice for handling Office mail, including all of the above discussed factors. If this information is not supplied, the petition cannot be granted.

Petitioner may file another (second) renewed petition addressing the above requirements. The second renewed petition must be filed within two months of the mailing date of this decision, in accordance with 37 CFR 1.181(f).

PETITION DISMISSED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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